

Charles F. Cardone,  
Plaintiff,

v.  
Warden Thomas Carroll,  
DOC-DCC, Del. Classification Board,  
Anthony J. Rendina, et al.  
Defendants

C.A. 1:06-cv-646 KAT

Trial by Jury  
Demanded

Motion to the Court, by Plaintiff, To reconsider  
the Court's December 6, 2006 Dismissal Without Pre-  
judice.

The Plaintiff states the following:



1. The plaintiff Charles F Cardone, SBI # 098159, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee and a request to proceed in forma pauperis.

2. Pursuant to 28 U.S.C. § 1915(b), the plaintiff shall be assessed the filing fee of \$250.00, not the \$350.00 filing fee as stated in Judge Jordan's Oct. 26, 2006 Order.

3. That the plaintiff, soon after he received this Court's Order of Oct. 26, 2006, submitted his request to DCC's Business Office for a certified copy of his prison trust account statement, which, to

(Cont) →

Page 2 of Plaintiff's Motion to Reconsider dismissal  
without prejudice of C.A. No. 06-646 KAT...  
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— This date has not been processed.

4. That plaintiff will submit a second consecutive request to DCC's Business Office for a certified copy of his prison trust account statement.

5. Plaintiff, upon receipt of trust account statement from the Business Office, shall submit it to the Court for re-consideration for the Plaintiff to proceed in forma pauperis.

Plaintiff prays this Court grants this motion to Re-consider dismissal upon receipt of plaintiff's prison trust account statement.

Charles F. Cardone, pro se  
SBI #098159-DCC  
Bldg. 18 BL12  
1181 Paddock Road  
Smyrna DE 19977

Dated: December 10, 2006

IM C'Parker T. Carbone

SBI# 098159 UNIT Blg 18 BL12

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U.S. District Court

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